

FURTHER REMARKS

The present amendment adds new claims 80-86.

Claim 80 defines an implantable endoprosthesis and radiopaque marker system, including an implantable endoprosthesis and a marker having at least one radiopaque portion including a radiopaque material. The marker is removably attached to the endoprosthesis, and is removable when the endoprosthesis is *in vivo*. The marker is formed as a spring. When removably attached to the endoprosthesis, the marker is retained by a spring force.

Claim 80 is patentable over the prior art of record, because the prior art fails to teach a radiopaque marker formed as a spring and removably attached to an implantable endoprosthesis by a spring force.

Claim 81 defines a system including an implantable endoprosthesis, and a marker having at least one radiopaque portion including a radiopaque material. The marker is removably attached to the endoprosthesis. A wire is provided for removably attaching the marker to the endoprosthesis.

It is submitted that claim 81 is patentable over the prior art of record, for the failure of the prior art to teach a system including a wire for removably attaching a radiopaque marker to an endoprosthesis.

Claim 82 depends on claim 81, and is patentable along with claim 81.

Claim 83 defines a retrievable radiopaque marker incorporating several features of claim 76 in that the radiopaque material of the marker comprises an element with an atomic number of at least 22, and an elongate strand of the radiopaque marker includes a polymer matrix combined with a powder, with the powder including the element. The prior art of record fails to teach a radiopaque marker incorporating these features.

Claim 84 defines a retrievable radiopaque marker incorporating the features of claims 53 and 77, and thus is equivalent to claim 77 written in independent form. Accordingly, claim 84 is in condition for allowance.

Claim 85 defines a retrievable radiopaque marker incorporating the features of claims 53 and 78, and thus is equivalent to claim 78 written in independent form. Accordingly, claim 85 is in condition for allowance.

Claim 86 defines a retrievable radiopaque marker including an elongate strand having at least one radiopaque portion that includes a radiopaque material. The strand includes a reservoir portion adapted to receive the radiopaque material.

It is submitted that claim 86 is patentable over the prior art of record, for the failure of the prior art to teach a radiopaque marker in the form of an elongate strand with a reservoir portion adapted to receive radiopaque material.

Request

The applicant respectfully requests consideration of the Amendment filed June 14, 2004, taking into account the addition of the foregoing text to the "Remarks" section which begins on page 11 of that amendment. The applicant further requests an early and favorable action leading to the allowance of claims 35-53, 56-60, 64-68, 71-79, and 80-86.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: May 25, 2005

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CERTIFICATE OF MAILING

Pursuant to 37 CFR 1.8, I hereby certify that this Supplement to Amendment in Application Serial No. 10/008,716 is being deposited with the U.S. Postal Service by first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit indicated below.

Date of Desposit: May 25, 2005


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